



Town of Berwyn Heights

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ORDINANCE 117 – REFUSE COLLECTION

Section 1. Purpose and Authority.

The purpose of this Ordinance is to establish regulations for the collection of refuse and recyclables within the Town of Berwyn Heights. Section 402 of the Town Charter of Berwyn Heights vests the authority in the Town Council to enact such rules.

Section 2. Definitions.

The following definitions are provided for the purpose of clarification. Words and phrases shall have the meanings respectively ascribed herein, except where the context clearly indicates otherwise.

A. Appliances – Appliances, such as clothes dryers, clothes washers, compactors, dish washers, furnaces, garbage disposals, hot water heaters, microwave ovens, stoves, and appliances containing Freon, R-12 or any other refrigerant including, but not limited to, central air conditioning units, dehumidifiers, freezers, refrigerators and window air conditioning units.

B. Bamboo - Classified as household refuse. Therefore, bamboo placed at the curb for collection shall be no longer than 4 feet in length, no greater than 4 inches in diameter, and tied in bundles with string or twine not exceeding 2 ½ feet in diameter and weighing no more than 50 pounds. The bundle of bamboo placed at the curb for collection shall be set apart from other waste that is at the curb for collection.

C. Building, Construction or Remodeling Materials, Waste or Debris – Substances accumulated or generated from building, remodeling or repairs to a home including, but not limited to, bricks, broken concrete, cinder blocks, dirt, electrical wiring, flooring, heating and air conditioning materials, lumber, plumbing materials, rocks or stones, sheet rock, shingles, siding, wall board and wall paper, or any other construction related material and equipment.

D. Bulk Refuse – Including, but not limited to, BBQs, bedding, carpeting, chain saws, chairs, doors, end tables, furniture, lawn mowers, mattresses, rugs, sofas (excluding sofa-type beds), stuffed chairs, weed eaters or other small powered equipment (emptied of all gasoline, oil or other fluids) not to exceed 4 feet in length and 50 pounds in weight, windows, window and door screens, and such other items as Town may designate as bulk refuse on a case by case basis, total volume not to exceed three (3) cubic yards.

E. Clean-outs – The process of a total removal of personal belongings of tenants or occupant(s) by the landlord, mortgage-holder, occupant, property owner, or tenant, including,

but not limited to, clothing, furniture, house wares, etc. onto the property front, side or rear yard; or by an eviction order by the District Court, Circuit Court, owner, landlord, or mortgage holder.

F. Compost – Decaying organic matter contained in a compost bin or pile for the purpose of biodegradation and production of fertilizer, including, but not limited to, food or kitchen scraps, grass and plant clippings, leaves, etc.

G. Electronics or Electronic Recyclables – computers, computer keyboards, computer monitors, CD and DVD players & recorders, laptop computers, printers, stereos/radios, telephone systems, televisions, VCRs, and other electronic and digital equipment.

H. Fish and Animal Carcasses – Crab, fish, and animal carcasses and skins shall be sealed in a heavy duty plastic bag before placing carcass in the refuse container. Residents are encouraged to take cat, dog and other pet carcasses to a veterinarian for disposal.

I. Garbage – Putrescible animal, food and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of food.

J. Hazardous Materials or Waste – Any material or item, the handling of which could cause harm to the collection crew, the public, or the environment, or is unacceptable for solid waste disposal, including, but not limited to, acids, ammunition, automotive fluids, car batteries, caustics, cleaning agents, driveway, basketball court and tennis court sealants, explosives, fire extinguishers, gasoline and motor oils, herbicides, household batteries, insecticides and fertilizers, mercury, motor oil and anti-freeze containers, oil paint, photographic chemicals, poisons, solvents, swimming pool chemicals, toxins, varnishes and stains and such other items as may be designated from time to time by the State of Maryland, Prince George' County, the Town or other solid waste disposal providers.

K. Household Refuse – Animal, food and vegetable waste, refuse and trash normally generated from running a household, which can be stored in a container until the scheduled collection day. Household refuse shall not include appliances, building, construction or remodeling materials, bulk refuse items, electronics or electronic recyclables, hazardous materials or waste, recyclables, or yard waste as defined in this Ordinance.

L. Imported Refuse – Items brought into Town from other locations, either in the normal course of doing business in Town, or a property owner's or resident's residency or work, or by contract for disposal by the Town or for storage.

M. Litter – Appliances, building, construction or remodeling materials, waste or debris, bulk refuse, electronics or electronic recyclables, garbage, hazardous material or waste, household refuse, refuse, rubbish, trash and yard waste, as defined herein, that is thrown, deposited or stored in or on public places or is thrown, deposited or stored on private property and creates a nuisance or a threat to public health, safety and welfare. Organic compost piles shall be exempted from this definition.

N. Loose Leaves – Leaves that fall from trees and are collected by a vacuum-type leaf collection machine during the designated loose leaf curb-side collection season.

O. Motor Vehicle Parts and Accessories – Motor vehicle parts and accessories.

P. Pressured Containers – Pressured containers such as acetylene, fire extinguisher, propane and helium tanks.

Q. Public Place – Any and all alleys, drainage swales, public rights-of-way, sidewalks, streets, any and all public buildings and grounds, open spaces, parks and any and all privately owned parking lots or open space.

R. Recyclable Materials – Any and all materials that can be separated, collected, processed and returned to the manufacturing stream in the form of raw materials or products such as aluminum, bi-metal, tin-plated and steel food and beverage cans; mixed paper including newspapers, magazines, office paper, mail and corrugated cardboard; glass bottles and jars; HDPE (high density polyethylene) plastic containers or jugs; PET (polyethylene terephthalate) containers, and such other items as may be designated or undesignated from time-to-time by the State of Maryland, Prince George’s County, the Town, or a recycling collection or processing facility. Motor oil and anti-freeze containers have been declared hazardous and cannot be recycled.

S. Recycling Receptacle – Any bin, box, container, structure or device designated and authorized by the Town into which only recyclable materials are placed for collection.

T. Refuse – All putrescible and non-putrescible solid waste normally generated from running a household.

U. Refuse Container – A heavy-duty, commercially available container with a tight fitting lid of a forty-five (45) gallon capacity, or a capacity established from time-to-time by the Town, which is used only to store garbage, household refuse, rubbish or trash and is placed at the curb for collection.

V. Rubbish – All non-putrescible combustible or non-combustible solid waste normally generated from running a household.

W. Special Bulk Refuse Collection – A special bulk refuse collection is bulk refuse items, the volume of which exceeds three (3) cubic yards, excepting appliances, and is collected by appointment only. Appliance pick-ups are a separate collection and by appointment only.

X. Tires – Car, truck and bike tires.

Y. Yard Waste – Grass clippings, lawn rakings, garden weeds and trimmings, brush, shrub and hedge cuttings (excluding bamboo, which is collected as household waste; see definition of bamboo for disposal instructions), bagged leaves, tree parts, tree trunks, limbs, or branches that are not longer than 4 feet in length, no greater than 4 inches in diameter and tied in bundles with string or twine, not exceeding 2 ½ feet in diameter, and weighing no more than 50 pounds.

Section 3. Refuse Collection Categories, Schedule and Fee.

Refuse collection categories, schedules and fees shall be set from time to time by resolution of the Town Council.

A. The following refuse categories may have a fixed collection schedule and/or fee: Bulk Refuse, Electronics or Electronic Recyclables, Household Refuse, Loose Leaves, Recyclable Materials, and Yard Waste.

B. The following refuse categories require special arrangements:

1) By Appointment and Prepaid through Town Administration: Appointments for collection and payment of collection pick-up fee are made through the Town Administration Office for the following refuse categories: (1) appliances and (2) tires. Fees must be paid prior to pick-up.

2) By Appointment and Prepaid through Public Works Department: Appointments for determining the collection pick-up fee and date for pick-up are made through the Public Works Department Office for the following refuse categories: (1) Minor home repair remodeling waste and debris; (2) Motor Vehicle Parts and Accessories; and (3) Special Bulk Refuse Collection. Fees must be paid at the Town Administration Office prior to pick-up.

3) By Appointment and Prepaid through Code and Public Works Department: Appointments for determining the collection pick-up fee and date of pick-up for the following refuse category are made through the Code and Public Works Departments: Clean-outs.

C. Refuse Categories Sole Responsibility of Property Owner: The disposal of the following refuse categories are the primary responsibility of the property owner: (1) Building, Construction and Remodeling Materials, Waste or Debris; (2) Clean-outs; (3) Hazardous Materials and Waste; (4) Imported Refuse: (4) Pressured Containers; and (5) Special Bulk Refuse Collections items that cannot be picked-up as determined by the Public Works Department.

Section 4. Duties and Responsibilities of Property Owners and Occupants

All household refuse, rubbish and trash shall be stored neatly and safely in an area behind the front building line of a residence's principal structure in a Town-approved capacity, heavy duty refuse container with a tight fitting lid.

All refuse containers for collection shall: (1) be placed at the curb prior to 7:30 a.m. on scheduled refuse collection day in an area easily accessible to the refuse collector or in an area designated by the Public Works Director or his designee; (Only one collection area will be recognized for each residence); (2) not be placed out for collection prior to 6:00 p.m. of the night before scheduled collection day; (3) be removed from the curb by 7:00 p.m. of the refuse collection day; and (4) be stored in an area behind the front building line of the residence's principal structure. Residents physically unable to move refuse out for curbside pick-up shall make a written request for assistance to the Public Works Director.

The following are the duties and responsibilities of property owners and occupants regarding the collection and disposal of:

A. Appliances – Collected by appointment only and only after payment of fee, as established by the Town Council, in the Town Administration Office. Refrigerators and freezer doors must be removed prior to being placed at the curb for collection.

- B. Bamboo – Classified as household refuse. Bamboo placed at the curb for collection shall be no longer than 4 feet in length, no greater than 4 inches in diameter, and tied in bundles with string or twine not exceeding 2 ½ feet in diameter and weighing no more than 50 pounds. Bamboo placed at the curb for collection shall be set apart from all other refuse.
- C. Building, Construction and Remodeling Materials, Waste or Debris – Disposal of building, construction or remodeling materials, waste or debris, whether generated by the property owner, occupant, or contractor, is the responsibility of the property owner.

Property owners, residents or occupants performing minor home repairs may have items removed by contacting the Public Works Director, or his designee, for inspection and approval of items to be disposed. Once approved, the material must be placed at the curb on scheduled collection day prior to 7:30 a.m. Items must be boxed, bagged, or bundled in a manner which, in the sole judgment of the Public Works Director or his designee, permits safe handling and disposal by the collection crew, and does not exceed 3 cubic yards in volume and will be handled as bulk refuse. Roofing shingles will not be collected.

- D. Bulk Refuse – Shall be placed at the curb by 7:30 a.m. on the scheduled day for pick-up. Bulk refuse shall not be placed at the curb for pick-up prior to 6:00 p.m. of the night before scheduled pick-up.
- E. Clean-outs – Landlords, mortgage holders, occupants, property owners, and/or tenants must make prior arrangements with the Code Department to establish a collection pick-up fee and schedule a collection pick-up date. When prior arrangements have not been made and/or the clean-out materials have not been removed, the Public Works Director, or his designee, at the request of the Code Director, will arrange for the disposal of the clean-out refuse. Code Department will invoice the property owner for removal cost, and in the event of non-payment, record the unpaid amount as a lien against the property to be collected as delinquent Town taxes.
- F. Compost – Composting must be done in such a way as to not attract animals and/or rodents.
- G. Electronics or Electronic Recyclables – Electronics or electronic recyclables shall be disposed of in a manner established by Town Council, Prince George’s County, State of Maryland or federal government.
- H. Fish and Animal Carcasses – Crab, fish, and animal carcasses and skins shall be sealed in a heavy-duty plastic bag before being placed in the refuse container. Residents are encouraged to take cat, dog and other pet carcasses to a veterinarian for disposal.
- I. Hazardous Materials or Waste – Hazardous materials or waste are not collected by the Town and must be disposed of by the property owner or resident at a State

of Maryland, Prince George's County or Town designated hazardous material disposal sites. Contact Public Works for advice.

- J. Household Refuse – All household refuse shall be stored for collection and placed at the curb in a heavy-duty trash container with a tight fitting lid not to exceed forty-five (45) gallon capacity or a capacity established by Town Council. Refuse container cannot be overflowing and tight fitting lid must be in place at time of collection. Refuse containers that pose a hazard to collectors including, but not limited to, jagged edges, will be disposed of by the Public Works Department after notification to the resident of the existing condition.
- K. Imported Refuse – It shall be a violation of this Ordinance for any business, property owner, or resident to bring refuse, trash or waste into Town from other locations, either in the normal course of doing business or property owner's or resident's residency or work or by contract for disposal by the Town. It shall also be a violation for any property owner, resident or business to make a profit from the utilization of Town disposal services, whether free or for a fee.
- L. Leaves – Leaves are collected during the loose leaf curb-side collection season or as part of the yard waste collection.
 - 1) Loose Leaf Curb-Side Collection Season – The loose leaf curb-side collection season is determined by the Town Council, during which time residents can rake their loose leaves to the curb for collection. Residents shall rake leaves to the curb or to the sidewalk, if one exists. Residents shall not rake leaves in the gutter, storm drain inlets, street, or onto sidewalks, or any other public place in the Town. Public Works Department will not remove leaves from under or from behind vehicles because of limitations of equipment.
 - 2) Leaves as Yard Waste - Leaves are picked up year-round if bagged in commercially available, brown paper yard waste bags, or placed in a commercially available, heavy-duty garbage/refuse container clearly identifiable as "Yard Waste".
 - 3) Loose leaves and leaves collected as yard waste shall be free of animal waste, large sticks, rocks, stones, debris and litter.
 - 4) National Pollutant Discharge Elimination System (NPDES) – It shall be a violation of this Ordinance and the Federal, State of Maryland or Prince George's County National Pollutant Discharge Elimination (NPDES) statutes, regulations or rules to deposit or cause to be deposited leaves, debris, litter or other material in storm drain inlets harmful to the Chesapeake Bay.
- M. Litter – It shall be a violation of this Ordinance for any property owner, resident, business or citizen to litter a 'Public Place' or private property as defined in this Ordinance. Businesses, property owners, residents, and occupants shall be responsible to keep drainage swales, gutters and/or sidewalks on or adjacent to their property free of litter and debris at all times
- N. Motor Vehicle Parts and Accessories – Public Works Department will collect motor vehicle parts and accessories provided total combined weight does not exceed 50 pounds or contain any anti-freeze, gasoline, motor oil or fluids of any

kind. Public Works Department collects motor vehicle parts and accessories by appointment only and only after fees are paid in the Town Administration Office prior to collection. Department does not collect or dispose of motor vehicles.

- O. Pressured Containers – Public Works Department does not collect pressured containers. Pressured containers must be returned to point of purchase, rental or lease.
- P. Recyclable Materials – All property owners and residents must recycle and all recyclable materials must be separated from all other refuse and placed at the curb on the designated collection day in either Town-designated recycling receptacles, corrugated cardboard boxes marked with an X, or other acceptable containers allowed by the Town. There shall be no food residue in recyclables. It shall be unlawful for any person or firm not authorized by the Town to collect recyclables.
- Q. Special Bulk Refuse Collection – Households requiring a collection of more than 3 cubic yards of bulk refuse material must contact the Public Works Director, or his designee, for an inspection of the materials to be disposed of prior to placing materials at the curb for collection. Upon inspection, the Director shall determine if the items can be disposed of safely without harming personnel or property and will be placed out at the curb in a manner that complies with the regulations set forth by the Town. Once approved, a disposal fee based on volume will be paid at the Town Administration Office, a date for collection set, and items removed.
- R. Tires – Tires are collected by appointment only and only after payment of a fee, as established by the Town Council, in the Town Administration Office. Residents are encouraged to request the tire vendor and/or installer to keep old tires at time of purchase.
- S. Yard Waste – Yard waste must be separated from, but placed adjacent to, bulk refuse, household refuse, or other items set out for collection. Branches, tree limbs, tree parts, tree trunks or parts of tree trunks shall be no longer than 4 feet in length and no greater than 4 inches in diameter, tied in bundles with string or twine. The bundles shall not exceed 2 ½ feet in diameter and weigh more than 50 pounds.
Leaves put out as yard waste must be bagged in commercially-available, brown paper yard waste bags, or placed in heavy-duty garbage/refuse containers clearly identifiable as “Yard Waste”.
- T. It is a violation of this Ordinance to use corrugated cardboard boxes or Town-provided recycling bins to store household refuse, rubbish or trash and place it at the curb for collection.

Section 5. Adoption of Refuse Collection Categories, Collection Schedule; Fees and Fine.

Refuse collection categories, refuse collection schedules, fees and fines shall be set from time-to-time by resolution of the Town Council. The Town Council adopted resolution is a separate document kept on file in Town Administration Office.

Section 6. Safeguards for Collectors.

Any potentially dangerous materials, including, but not limited to, broken glass, nails or other sharp objects must first be placed in a hard container (e.g. glass or metal bottles, cans or jars) prior to placing in household refuse container. Town does not collect hazardous materials.

Section 7. Accessibility of Items Placed for Collection

All refuse, recyclables, and yard waste must be placed at the curb and be accessible for collection. Refuse or recyclables will not be collected if there is a circumstance that, in the sole discretion of the Public Works Department or his designee, hinders or impedes collection. Compliance with the following rules is essential in order to permit collection:

- A. Animals must be confined.
- B. Items shall be accessible for removal, not obstructed by vehicles or other objects that may hinder the collection of bulk refuse, household refuse, leaves, recyclables, yard waste or any other items put out for collection.
- C. Path to collectibles must be clear of snow and ice.
- D. Items placed in designated collection areas will be picked up as refuse. The Town is not responsible for items inadvertently left in designated collection area.

Section 8. Collection License

Only individuals and firms licensed, employed or contracted by the Town of Berwyn Heights and the owner of the refuse are authorized to collect or sort through refuse after it has been placed at the curb, provided items are left in suitable condition for pick-up.

Section 9. Enforcement

- A. It shall be the duty and responsibility of the Town to enforce the provisions of this Ordinance as provided herein.
- B. Any Town code official, or designated representative(s), shall be authorized to enforce the provisions of this Ordinance. Any Town employee is hereby authorized to place an appropriate warning, violation or abatement notice on items placed at the curb for collection or on the property structure regarding violations of this Ordinance or of Federal, State of Maryland, or Prince George's County National Pollutant Discharge Elimination System (NPDES) statutes, ordinances or regulations.

Section 10. Violations, Repeat Violations, Fines, Imported Refuse Fines, and Abatement

- A. Violations – Any infraction or non-compliance of any provision of this Ordinance and/or its conditions and specifications as described herein shall be deemed a violation of this Ordinance and subject to a fine as listed in a fine schedule that will be adopted from time-to-time by resolution of the Town Council.
- B. Repeat Violations – A property owner may be subject to an immediate fine or abatement or both if there are repeat violations by the property owner, resident, or

tenant of any provision of this Ordinance and/or its conditions and specifications as described herein within the same calendar year. After ten (10) days from the issuance of the immediate “Violation Notice” or “Fine Notice”, or after denial of an appeal to the Town Council, any fines and/or abatement costs or fees that remain unpaid will be recorded as a lien against the property and collected as delinquent Town taxes.

- C. Fines – Any person, persons, firm, or entity violating any provisions of this Ordinance, except as noted below for Imported Refuse, may be issued, after one warning, a “Violation Notice.” If the violation is not corrected or removed within twenty-four (24) hours of the “Violation Notice”, a code compliance official, or designated representative(s), shall be empowered to issue a fine. Each day that a violation continues shall be deemed a separate offense. After twenty four (24) hours from the date of the ‘Violation Notice”, the Town may abate, at the owner’s expense, any items still in violation. After ten (10) days from the issuance of the “Violation Notice”, or “Fine Notice”, or after denial of an appeal to the Town Council, any fines that remain unpaid will be recorded as a lien against the property and collected as delinquent Town taxes.
- D. Imported Refuse Fines – Violation of the Imported Refuse provisions of this Ordinance shall carry a fine of up to \$1,000 per occurrence per day and violation may be abated by the Town within Twenty-four (24) hours after issuance of a “Violation Notice.”
- E. Abatement – The Town shall have the right, after twenty-four (24) hours from the issuance of an “Abatement Notice”, to remove any and all refuse, recyclables, and debris or waste of all kinds at the property owner’s and/or mortgage holder’s expense. All costs of the abatement, fees and fines will be billed to the owner of the property or the mortgage holder. After ten (10) days from the issuance of a notice of abatement, or after denial of an appeal to the Town Council, any abatement costs, fees or fines that remain unpaid shall be recorded as a lien against the property and collected as delinquent Town taxes.

Section 11. Right to Appeal

Any person affected by a “Violation Notice”, “Fine Notice”, or a fine for a violation of this Ordinance may elect to appeal to the Town Council.

- A. Any person affected by any “Violation Notice”, “Fine Notice”, or fine that had been issued in connection with the enforcement of any provision of the Ordinance may request and shall be granted a hearing on the matter by the Town Council, provided that such person shall, within ten (10) days after service of a “Violation Notice” or “Fine Notice”, file with the Town Council a signed, written notice of appeal requesting a hearing and setting forth a brief statement of the reasons therefore. Upon receipt of such notice of appeal, the Town Council shall set a time and place for such hearing and shall determine appeals as promptly as practicable. The Town Council, with a quorum present, shall hear appeals.
- B. After such hearing, the Town Council may, with a majority of members present, affirm, amend, modify or withdraw the “Notice of Violation” or fine that has been

appealed. Any person who shall fail, refuse or neglect to comply with the decision of the Town Council shall be guilty of violating the provisions of this Ordinance.

- C. In the event a person wishes to contest the decision of the Town Council, he or she may notify the Town of his or her intent with ten (10) days after the rendering of the decision by the Town Council. In that event the Town shall issue a municipal infraction citation to the aggrieved person who may request a hearing in the District Court of Maryland pursuant to the Municipal Infraction procedure. The decision of the Town Council in such a case shall be stayed, pending a decision by the District Court. To the extent of this Section of the Ordinance, all violations of this Ordinance will be considered municipal infractions of the Town.
- D. Failure to pay after adjudication or request of adjudication by the Town will result in the amount of any fine imposed being recorded as a lien against the property and collected in the same manner as delinquent Town taxes.

Section 12. Interpretation

The Mayor and Town Council of Berwyn Heights shall decide questions of interpretation of this Ordinance.

Section 13. Rules and Regulations

The Town Council may from time-to-time pass such rules and regulations as are consistent with the purpose, intent and enforcement of this Ordinance.

Section 14. Severability

If a court of competent jurisdiction shall hold any section or part of a section of this Ordinance invalid, such holding shall not affect the remainder of this ordinance.

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